

City Council Regular Meetings, October 23, 2001

Twin Pines Senior and Community Center, 1223 Ralston Avenue

REGULAR MEETING 7:33 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Cook, Warden, Wright, Rianda, Hahn

COUNCILMEMBERS ABSENT: None

Staff Present: City Manager Kersnar, Assistant City Manager Rich, City Attorney Savaree, Community Development Director Ewing, Acting Public Works Director Jones, Finance Director Fil, Police Chief Janke, Human Resources Director Dolan, Principal Planner de Melo, IT Manager Harnish, Building Official Cyr, Code Enforcement Officer Buckman, City Treasurer Mason, City Clerk Kern

PLEDGE OF ALLEGIANCE

Council led Pledge of Allegiance.

SPECIAL ORDERS OF THE DAY/PRESENTATIONS

Mayor's Proclamation congratulating the Babe Ruth Team of 14 Year Old Players Representing the City of Belmont and Belmont/Redwood Shores Babe Ruth Baseball League District 6.

Mayor Hahn read the Proclamation and distributed to team members and coaches.

PUBLIC/COUNCIL COMMENTS

Mr. McLaughlin, 3313 Plateau Drive, read his original poem about the 75th Anniversary. (on file in the City Clerk's office)

Ms. Sampson, Legislative Aide for Senator Sher presented the Council with a State Resolution for the 75th Anniversary from State Senator Sher and Assemblyman Simitian.

Ms. King reminded everyone about the ongoing 75th activities this weekend. She said tickets were still available for the dance on Saturday night, and prizes would be given out at the picnic on Sunday for various picnic lunch categories.

Mayor Hahn invited everyone to City Hall flagpole dedication on November 9th, at 11:30 A.M. in front of City Hall.

C. Rianda thanked the 75th Anniversary Committee for the work they had done over the last three to four years to make this month so successful.

C. Warden announced that the annual Halloween Spookville 2001 would be held this Friday, October 26th, at the Barrett Community Center starting at 5:00 PM.

C. Cook announced that the steering committee for the new library would be holding two informational meetings for public viewing of the Conceptual Design Plans. She said these meetings would be held on October 25th, and Saturday November 3rd, at the library.

AGENDA AMENDMENTS

Mayor announced that 4-K (Library Grant Writer) would be tabled.

CONSENT CALENDAR

Approval of meeting minutes: Special and Regular Meetings September 25, 2001.

Approval of Warrant List Dated: October 5, 2001 in total amount of \$688,363.88 and dated October 12, 2001 in total amount of \$127,393.43.

Written Communication (None)

Motion to approve Claims Management Report. (None)

Motion to waive reading of Ordinances.

Resolution No. 9101 approving purchase of a Bobcat excavator for the Public Works Department from Bobcat West for an amount not to exceed \$31,149.96.

Resolution No. 9102 approving Establishment of a Three Way Stop at the Intersection of El Verano Way and Fernwood Way.

Resolution No. 9103 approving Lease with Arts Council of San Mateo County.

Resolution No. 9104 approving lease with 1870 Art Center.

Resolution No. 9105 approving lease with Creekside Studios.

Resolution No. 9106 approving Application for Grant Funds under the Safe Neighborhood Parks Bond Act of 2000 for the Ralston Avenue/Old County Road Plaza Projects.

Resolution No. 9107 authorizing a Professional Services Agreement with Bob Murray and Associates to conduct an executive search for a Public Works Director. (\$20,500).

TABLEDResolution authorizing City Manager to execute a Professional Services Agreement with Anne Marie Gold. (Grant Writer for Library Bond; \$25,400)

Ordinance No. 974 approving a Zone Change from R-1B Single -Family Residential to Planned Development (PD) Zoning to incorporate a Conceptual Development Plan for Construction of a Three-Unit Single Family Residential Development at 1112 North Road (Appl. No. 00-1031) (2nd reading and adoption).

Resolution No. 9108 approving a Tentative Parcel Map for construction of a Three-Unit Single Family Residential Development at 1112 North Road (Appl. No. 00-1031)

Consent Calendar approved on motion by C. Rianda, seconded by C. Wright, and approved unanimously, by show of hands to adopt the Consent Calendar.

NEW BUSINESS -

Discussion and direction regarding the timeframe and process for City Council sponsored Initiative regarding City Parks. (Continued from 10/9)

City Attorney Savaree requested direction on whether the Council would like to move forward with a Council sponsored ballot initiative regarding parkland in the City. She said if the Council decides to move forward, staff would like language direction, and a date this election should be held.

She explained that during her research, she had determined that State Law and the Public Resources Code protected parkland. City Attorney Savaree stated that the Statute also provides that the public has the right to sue for relief, and to have the court decide whether it is appropriate for the City to dispose of parkland. She reported that Attorney Colantuono suggested that language be added to the Measure, so that it would be possible to change the land use, location, or park designation by a hearing, and a super majority vote. He said this would allow a Council to take another look at how to restrict the use of parkland.

In response to C. Warden, City Attorney Savaree stated that this language could be crafted with a sunset clause, or language that indicates that when the General Plan changes, the ordinance would still be effective.

In response to C. Cook, City Attorney Savaree stated that the two Government Codes were strong tools that cover parklands, and restricts the process for changing the use of a park. She said there were additional limitations on parkland. She said land that had been dedicated to the City for park purposes, and was not used for that purpose, would revert back to the person that dedicated the land. City Attorney noted there may also be restrictions on land that was purchased with funds from the State or Federal Government.

Community Development Director Ewing reported that his staff could do a short CEQA review process because protection of the environment was a categorical exemption.

C. Wright stated that with the enforcement tools that we currently had, it would be difficult to change parkland to any other use. He wondered if there was something happening that would cause us to take this action.

City Attorney Savaree stated that there were not many cases that have shown up since these Code Sections were adopted.

C. Rianda stated that it appeared there were safeguards in place to protect the parks, but she thought it was more a matter of philosophy, that open space, parklands and recreational opportunities were quality of life indicators. She said she thought the people should be the ones to change land use. C. Rianda stated that there were roadblocks in place, but it was still possible to change land use by a four-fifths vote of Council. C. Rianda stated she did not agree with the suggestion that would allow a Council to overturn the will of the people with a four-fifths vote. She encouraged Council to move forward with this and said she would like this Measure to be put on the March, 2002 ballot.

In response to C. Cook, City Manager Kersnar stated that a Lot Line Designation separated the Twin Pines Park use from the City Hall and Police Facility.

C. Warden stated that he would not want to second-guess a subsequent Council. He stated he was in favor of Open Space, and he did not think the citizens would allow parkland to be rezoned or converted without their input. He said he thought there was enough protection in the State Law to cover this issue.

C. Wright stated he could not think of a situation where a Council would rezone a dedicated park.

C. Hahn stated that a zone change had been done just recently on a plot of land, and she would like to have the process tightened to make the rules more stringent.

C. Rianda stated that she felt the voters should have the right to determine if parkland should be rezoned.

C. Warden stated that he did not think this action was necessary. He said he thought this was an election year issue. He said he was concerned that there were other land use issues coming forward and he did not want to cloud the issue with this particular matter. C. Warden said he would rather have the issue broadened.

Community Development Director Ewing stated that he thought all the parkland was zoned appropriately, but would look into it further if this ballot measure went forward.

Action: C. Rianda made a motion to have the City Council move forward on the proposed Park Protection Measure, and place it on the ballot for March, 2002. C. Hahn seconded the motion. Motion failed on a vote of 2 yes and 3 no (Cook, Warden, Wright)

Discussion and direction for an appointment to the South Bayside System Authority (SBSA)

Mayor Hahn requested that the Council consider appointing Councilmember Wright to the South Bayside System Authority now to provide continuity with this Board which meets once a month. She said C. Wright had agreed to serve.

Action: on motion by C. Hahn, seconded by C. Warden, and approved unanimously, by show of hands, to appoint C. Wright to the South Bayside System Authority Board.

Discussion regarding Code Enforcement Policies and Procedures

Community Development Director Ewing explained that the City used restraint to enforce our police powers because of funding, and community expectation about local law enforcement. He requested direction to ascertain if the Community expectation should be an aggressive enforcer, facilitator of compliance, or enabler of community change. Community Development Director Ewing explained that beside the Code Enforcement Officer, other City Departments handle a variety of complaints. He noted they had their own set of priorities, response times and approach for Code Enforcement issues. Community Development Director Ewing reported that when Councilmembers raise an issue, immediate resources are directed to investigate and determine a course of action. He said staff appreciated that Council wanted these issues treated as routine, but staff was concerned that Council would become the "clearinghouse" for the community, instead of following the normal routine. He said that staff would appreciate a strong policy statement on Code Enforcement priorities, so that it could be used as an educational tool for the community. He

explained that vehicle violations and nuisances made up a large part of Code Enforcement. Community Development Director Ewing listed the draft principals and requested Council direction.

City Attorney Savaree explained that there were sub-sets of cases that fall into all these categories. She said these are often the elderly who cannot, or do not have the resources, to maintain their property. She said the City staff spends a lot of time trying to help these people comply. She said the courts are not set up to provide services to people, and it was difficult to find the resources to bring these cases into compliance.

In response to C. Hahn, City Attorney Savaree stated that she has always advised City Staff not to disclose the name of the person filing a complaint.

Council concurred to have this outlined in the Resolution, so everyone had a clear understanding of this confidentially policy.

C. Cook asked how the City dealt with repeat offenders.

City Attorney Savaree explained that there were escalating penalties in the Code to address these problems. She stated that the courts were very aggressive on cases that do not comply.

C. Warden asked if there was anyway to help the residents that were unable to help themselves?

City Attorney Savaree stated that they have asked the public guardian's office for help, and have contacted every County and State Agency that they feel will help.

Code Enforcement Officer Buckman stated that he used as many County and State agencies to try and bring these properties into compliance, and not use the City Attorney's office.

Mr. Kranen, 1902 Notre Dame, explained that he worked with a non-profit group in Half Moon Bay that provided help to seniors with home repairs. He said this type of group may be helpful to our residents.

Action: on motion by C. Wright, seconded by C. Rianda, and approved unanimously, by show of hands, to bring back a Resolution based on the direction given, with the additions of language calling for confidentiality for the party that has a complaint or concern; and a policy to have staff utilize as many State and County resources as possible to help aged or infirmed residents to comply with health and safety issues regarding property maintenance.

BOARD, COMMISSION, COMMITTEE UPDATES, AND STAFF REPORTS

Report on Status of Financial Condition: FY 2002 Budget.

Finance Director Fil reported on the status of the City Financial Condition and the administrative financial steps the staff planned to implement in regard to these impacts. He said steps had been taken to anticipate a slowing economy and revenues for the 2002 budget, but this recession had been unexpected. Finance Director Fil reported that the State had order 15% cuts at the State Level and he was expecting that the County and Cities would be next. He reviewed the various revenue sources and said that next year's budget would reflect this economic slowdown. He noted that one outstanding item was the increase in sales tax over the last six quarters, which was contrary to what was occurring at the State level. Finance Director Fil stated that tax revenues

that were distributed using per capita figures, showed a decrease due to the fact that we had lost over 1000 residents.

Finance Director Fil reviewed the expenditures and stated that they were within budget which would help to offset the impact of the recession. He said that the long term forecast indicated that in FY 2006, the City would be within reserve levels. He reported that the administrative actions included review of all vacant positions, discretionary expenditures reduced, and caution with long-term reserve use. He said that staff was monitoring the State situation closely in case more aggressive action would be needed.

In response to C. Cook, Finance Director Fil stated that Council could play an important role in helping to diversify our revenue base, by looking for projects that have a positive return to the General Fund. He said one example of this would be the hotel project that was being considered for Belmont. He said the Transit Occupancy Tax was a local revenue source that was not shared with other Government Agencies.

City Manager Kersnar stated that most of our high revenue generating producers were relatively new. He said a many cities had "shop local" campaigns to keep tax dollars in the community.

C. Warden stated that he thought that the Redevelopment Agency money should be invested to produce a revenue stream for the City.

In response to C. Rianda, Finance Director Fil pointed out that the Chamber of Commerce was proactive in helping businesses in Belmont stay viable. He said that the partnership between the City and Chamber was a positive business relationship.

Mr. Kranen, 1902 Notre Dame, urged staff to use local talent when able to keep the dollars in the County and the City.

Council vote for one Planning Commissioner and adopt Resolution making appointment.

City Clerk Kern distributed the ballots for Council to vote for Planning Commissioner

Following the vote, she announced that Ms. Feierbach had been appointed.

Action: on motion by C. Warden, seconded by C. Rianda, and approved unanimously, by show of hands, to adopt:

Resolution No. 9109 -making appointment to Planning Commission for a term to expire on the First day of March, 2003. (Feierbach).

MATTERS OF COUNCIL INTEREST/CLARIFICATION

Discussion regarding the formation of a Green Task Force regarding Parks, Open Space and Athletic Fields. (Warden/Wright).

C. Wright stated that he and C. Warden suggested putting together a task force to build a coalition to explore funding mechanisms to support implementation for playing fields, parks and protection of open space.

C. Warden said the task force would explore local funding sources, such as Park in-lieu fees paid to the City, athletic groups, and other organizations to help implement this goal. He said once a total figure had been assessed, the task force would bring this issue to Council, to decide whether it should go on the ballot or not. C. Warden said this would meet as many needs in the community as possible.

C. Wright recommended that this issue be referred to the athleticfields sub-committee, which was in the process of exploring funding option for the athletic fields with the School District. He said they would then return to Council with a more informed idea on how to proceed.

City Manager Kernsar stated that staff would be bringing to Council, the Parks Capital Funding Report for prioritization, with already identified park capital money, and various park projects identified as possible recipients.

Discussion regarding the adoption of the Official Flag of Belmont, displaying the City logo, under the flag of our Nation as a lasting memento of Belmont's 75th Anniversary. (Hahn).

C. Hahn requested Council concurrence to have the City logo printed on a flag and flown under the United States Flag once the flag pole had been installed in the front of City Hall.

Council concurred to have a flag with the City logo flown on the flagpole with the American Flag.

ADJOURNMENT at this time, being 9:35 P.M., this meeting was adjourned to closed sessions.

Kathy Kern

Belmont City Clerk

Meeting tape recorded and video taped

TAPE NO. 506

SPECIAL MEETING

CLOSED SESSIONS

A. Conference with Legal Counsel, Anticipated Litigation, pursuant to Government Code Section 54956.9

1. One Case

B. Public Employee Performance Evaluation, pursuant to Government Code Section 54957: (cont'd from 10/16).

1. City Manager Kersnar

Councilmembers Cook, Warden, Wright, Rianda, Hahn, City Manager Kersnar, City Attorney Savaree attended these Closed Sessions. City Clerk Kern was excused from attending.

ADJOURNMENT at this time, being 9:57 P.M.

Kathy Kern

Belmont City Clerk